THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8681 OF 2007

Dated 30th April 2007

Between:

Samanthula Venku Reddy

…Petitioner

and

The District Collector, Nellore District & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8681 OF 2007

O R D E R:

The petitioner was issued a notice dated 16.4.2007, requiring him to explain as to why he had breached the irrigation canal, and why he had encroached into the land, by levelling the bund of the canal. He was also required to fill the breach, to ensure proper supply of water to the ryots. The petitioner states that he has submitted an explanation, denying the allegations, and complains that the respondents are trying to take action, even before any order is passed.

Heard the learned counsel for the petitioner and learned Government Pleader for Irrigation.

The petitioner claims to have submitted a reply/ representation, in response to the show-cause notice. The question as to whether the allegations made against the petitioner are true, and whether he is liable to be proceeded against, would be clear, only after an order is

passed by the authority, who issued the notice. The petitioner can be said to have suffered grievance, if only any order, adverse to his interest, is passed. This court is not inclined to interfere with the impugned notice.

The writ petition is accordingly disposed of, directing that the 3rd respondent shall take further action, only after passing an order, taking the representation submitted by the petitioner, into account. There shall be no order as to costs.

30th April 2007

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